

PD-0474-19

JAMES RAY PENDERGRAFT
Petitioner

vs.

THE STATE OF TEXAS,
Respondent

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IN THE COURT OF

FILED
COURT OF CRIMINAL APPEALS
11/26/2019
DEANA WILLIAMSON, CLERK

CRIMINAL APPEALS

AUSTIN, TEXAS

PETITIONER'S FIRST MOTION FOR EXTENSION OF TIME TO FILE BRIEF

TO THE HONORABLE COURT:

Now comes Austin Reeve Jackson, counsel for Petitioner in the above entitled and numbered cause, and makes this Motion, and for good cause shows the following:

I.

Petitioner's brief in this matter is due on 25 November 2019. No prior extensions have been requested.

II.

Counsel was appointed on this case after the Court granted a *pro se* PDR and did not represent Petitioner in either the trial or intermediate appellate courts. Therefore, he had no prior knowledge of the facts of this case, question raised on PDR, or the law at issue. Additionally, since being appointed on this case approximately one month ago, Counsel has filed five briefs with intermediate courts of appeal; all of which had had brief deadlines set before counsel was appointed in this matter.

Further, while working on this case counsel has also been working on approximately 40 open appellate cases in this and other courts to which he has been appointed by Smith County district courts. This has included investigating motions for

new trials (looking for and talking with potential witnesses, jail and office visits with new appellate appointments, trial court appearances for the same), requests for and reviews of reporter's and clerk's records, research, briefing, review of opinions, investigation of potential PDR issues, etc. While not all of these cases have required significant attention from counsel during this time, many of them have which has resulted in counsel having been unable to devote the full attention necessary to this case prior to today's date.

III.

No prior extensions have been requested and it is respectfully prayed that the in the interest of justice, the Court grant this motion.

WHEREFORE, PREMISES CONSIDERED, undersigned counsel respectfully prays that, in accordance with the applicable law, the Court grant this Motion and extend the date by which to file a brief by thirty days.

Respectfully submitted,

/s/Austin Reeve Jackson
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document was served on counsel for the State by facsimile concurrently with its filing.

/s/Austin Reeve Jackson